

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

MARC WILHELM SCHUSTERBAUER

PLAINTIFF

v.

No. 04-5134

CAPT. HUNTER PETRAY and
DEPUTY TOMLIN

DEFENDANTS

ORDER

Now on this 19th day of August 2005, comes on for consideration the report and recommendation filed herein on August 4, 2005, by the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas. (Doc. 22.) Plaintiff has not filed any objections to the report and recommendation.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, defendants' motion to dismiss (Doc. 20) is **GRANTED** and Plaintiff's claims are **DISMISSED** on the grounds that he has failed to comply with the Court's order to respond to defendants' summary judgment motion and has failed to prosecute this action. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE